



Investigation Report

FILE NUMBERS 2020-085 and 20-21-030

ASSOCIATION IN QUESTION Nurses Association of New Brunswick

SUBJECT Allegations of deficiencies in services for and treatment of members of the public wishing to proceed in French

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REPORT DISTRIBUTED TO THE FOLLOWING PERSONS Chief Executive Officer and Registrar,
Nurses Association of New Brunswick
Complainants
Premier
Clerk of the Executive Council
Executive Director of the Secretariat of Official Languages

ISSUE DATE March 2026



Preamble

Please note that in February 2026 the New Brunswick Nurses' Association changed its name to the College of Nursing of New Brunswick. In this investigation report, the Office of the Commissioner of Official Languages of New Brunswick refers to the Association by its former name as the investigation of the complaints was concluded prior to the change of name.

Summary

This report was prepared following an investigation of a series of complaints regarding the Nurses Association of New Brunswick (“**NANB**”). On July 31, 2019, the complainants alleged that NANB failed to ensure substantive equality of access to the profession for Francophone candidates, in violation of section 41.1 of the *Official Languages Act* (“**OLA**”). According to the complainants, the preparatory resources available to those choosing to write the entry-to-practice registration examination (NCLEX-RN) in French are less accessible, and users must navigate a significant amount of English-only preparation content to access them.

Under the OLA, members of professional associations and the public have the right to communicate with professional associations and receive their services in their official language of choice. Subsection 41.1(3) of the OLA states that no person shall be placed at a disadvantage for their choice of official language in fulfilling the requirements of a professional association, such as taking a registration exam.

The investigation established, for the reasons summarized below and set out in greater detail in this report, that the complaints are **partially founded**. Regarding the equivalence of the French version of the NCLEX-RN, the complaints are **unfounded**. Regarding the availability of preparatory resources in French, statistics on success rates and inequitable access to information in the official language of choice, the complaints are **founded**.

Having established that the complaints are partially founded, the Commissioner makes the following recommendations:

1. **THAT** the association maintain and publish a single, up-to-date and easily accessible list of all the preparatory resources it recommends, clearly specifying that they are available in both French and English;
2. **THAT** the association explicitly state in both official languages, in all its documents and communications intended for candidates, that commercial resources are neither necessary nor recommended and that the free official resources are deemed sufficient;
3. **THAT** the association periodically evaluate, with the help of universities and candidates, the usefulness and clarity of the French preparatory resources it recommends and that it make any necessary corrections;

4. **THAT** the association work with NCSBN to collect data on New Brunswick candidates that are broken down by the language in which the NCLEX-RN is written and by exam results;
5. **THAT** the association analyze this data annually to promptly detect any gaps in success rates that may be associated with the choice of official language and, if necessary, implement targeted corrective measures;
6. **THAT** the association share with training programs, in both official languages, a summary of these analyses, including any relevant trends observed, to help ensure preparatory materials are equivalent in French and English;
7. **THAT** the association regularly audit its French “Examen d’admission” web page to ensure that all hyperlinks to NCSBN and Pearson VUE resources are functional and lead to content accessible in French;
8. **THAT** the association formally request that NCSBN and Pearson VUE set up a navigation path for Francophone candidates, allowing them to access essential information in French without having to navigate unilingual English screens or notices;
9. **THAT** the association correct and update any French contact information, including telephone numbers and email addresses, in its frequently asked questions and information sheets so that service or linguistic support can be obtained in French for any questions related to registration or the exam;
10. **THAT** the association establish an internal mechanism for candidates to quickly report any problems regarding access to providers’ websites in French and that it systematically follow up with NCSBN and Pearson VUE, documenting all steps and corrective measures taken.

Complaints

Between July 31, 2019, and September 12, 2019, the Office of the Commissioner of Official Languages of New Brunswick (“OCOL”) received several complaints signed by various complainants and dated July 31, 2019. The complaints alleged that, despite the violations of the OLA identified by the OCOL in its 2018 report, NANB still does not ensure substantive equality of access to the nursing profession, in violation of section 41.1 of the OLA.

More specifically, the complainants argued that Francophone NCLEX-RN candidates were placed at a disadvantage by NANB’s choice to use the NCLEX-RN exam, as they had access to fewer preparatory resources in French than Anglophone candidates did in English. In addition, they claimed that NANB had not taken any steps to resolve the inequitable access to preparatory resources for candidates choosing to take the NCLEX-RN exam in French.

Abbreviations and Terms Used

NANB	Nurses Association of New Brunswick
NCLEX-RN	Nursing entry-to-practice registration examination used in New Brunswick
NCSBN	National Council of State Boards of Nursing
OCOL	Office of the Commissioner of Official Languages for New Brunswick
OLA	<i>Official Languages Act of New Brunswick</i>

Background

General background

NANB is one of about 40 associations that regulate a profession in New Brunswick. Professional associations play a fundamental role in protecting the public by regulating and monitoring professional practice. Since July 1, 2016, all professional associations in the province have been required to provide their services in both official languages.

Under the OLA, members of professional associations and the public have the right to communicate with professional associations and receive their services in their official language of choice. Moreover, the OLA states that no person shall be placed at a disadvantage for their choice of official language in fulfilling the requirements of the professional association, such as taking an exam.

Investigation

These complaints and the resulting investigation have a fairly long history. A detailed timeline can be found in Appendix 1.

Background specific to complaints

Initial 2016 complaints and 2018 report

In July 2016, the OCOL received two complaints regarding the NCLEX-RN. On May 9, 2018, the OCOL published its investigation report. In this report, the OCOL concluded that the quality of the NCLEX-RN translation was good. However, the OCOL determined that the French translation of the NCLEX-RN had been subject to changes that were not reviewed by certified translators, compromising the quality of the French version of the exam. The OCOL also found that NANB had violated subsection 41.1(2) of the OLA by using the NCLEX-RN exam, as there was a “significant” gap in the number and quality of preparatory resources available in French versus in English.

The OCOL made the following recommendations:

- THAT** the Association take the necessary actions so that requirements to enter the nursing profession in New Brunswick fully respect subsection 41.1(3) of the *Official Languages Act* of New Brunswick (OLA);
- THAT** Regardless of the entry to practice exam chosen by the Association, that the translation of the exam and any subsequent revision be done by a certified translator;
- THAT** the Association report to the Office of the Commissioner on the measures taken to respect subsection 41.1(3) of the OLA no later than September 4, 2018.

In August 2018, NANB filed a notice of application for judicial review of the report of May 9, 2018. In January 2019, following exchanges with the OCOL, NANB withdrew its application for judicial review.

2019 complaints

Between July 31, 2019, and September 12, 2019, the OCOL received several complaints signed by various complainants, including a complaint from the Association francophone des aînés du Nouveau-Brunswick, dated July 31, 2019. These complaints led to the opening of files 2020-085 and 20-21-030.

The complaints alleged that NANB had violated subsection 41.1(3) of the OLA by continuing to use the NCLEX-RN exam. According to the complainants, the NCLEX-RN exam placed candidates

choosing to take the exam in French at a disadvantage. In particular, the complainants cited a difference in the quality of the French exam, the availability and quality of preparatory resources in French, a lower success rate of candidates who take the exam in French and inequitable access to preparatory resources and related services in the official language of choice.

Preliminary stages of the investigation

On October 15, 2020, Commissioner MacLean informed NANB and the complainants of her decision to investigate and forwarded an initial request for information in accordance with subsection 43(13). NANB responded to this request on December 14, 2020.

On September 7, 2021, NANB formally objected to the OCOL's investigation concerning the complaints of July 31, 2019.

On October 15, 2021, the OCOL responded to NANB's objection.

Legal proceedings

On December 21, 2021, NANB filed a notice of application for judicial review.

On December 14, 2022, the Court of King's Bench granted the application and prohibited the OCOL from moving forward with the investigation. The OCOL appealed the decision.

On July 13, 2023, the Court of Appeal of New Brunswick overturned the trial decision and fully restored the OCOL's power and obligation to investigate the complaints.

Preliminary stages of the investigation

In November 2023, the OCOL met with NANB and the complainants to discuss the continuation of the investigation.

On December 11, 2023, the OCOL wrote to NANB and the complainants to inform them that the investigation would move forward. The Commissioner asked NANB to forward all documents relevant to the investigation and to answer the questions summarized below.

NCLEX-RN exam preparatory resources

The Commissioner asked NANB to specify what measures had been put in place since the 2018 report was issued to ensure that neither official linguistic community is disadvantaged with regard to accessing preparatory resources for the NCLEX-RN exam. In particular, NANB was asked to describe each of the measures taken and indicate the dates of implementation.

The Commissioner also asked NANB to provide additional information regarding a commercial study resource from the National Council of State Boards of Nursing ("NCSBN") — the organization that developed the NCLEX-RN — which it mentioned in its response of December 14, 2020. The purpose of this question was to obtain more information on the availability of a French

version of this study resource, on the steps taken to inform candidates of it and on the use of this resource by candidates since July 2020 as well as to obtain a copy of the resource.

Alternatives or accommodations

The Commissioner asked NANB to clarify how it was informing candidates of the possibility of taking an entry-to-practice exam in Quebec and to provide information comparing the costs associated with that exam versus the NCLEX-RN. NANB was also asked to forward any documents or contracts relevant to the accommodations or alternatives offered to Francophone candidates.

Findings

The Commissioner asked NANB to clarify the statistics on the NCLEX-RN exam's success rates provided in its response of December 14, 2020, particularly regarding the possibility of breaking down this data according to the language chosen for taking the exam. It was also asked to specify whether the success rates could be broken down by number of attempts using the available statistics.

Lastly, the Commissioner asked NANB to provide further details as to whether the results for 2019 were typical or atypical, based on observations made for previous and subsequent years.

Response from NANB

On February 29, 2024, NANB filed a comprehensive response to the Commissioner's questions, in which it contested the complainants' allegations.

With regard to the NCLEX-RN exam preparatory resources, NANB explained that it had attempted to correct the public perception that the exam's translation was inadequate and that candidates had to purchase English commercial study resources to pass the exam. NANB summarized the steps it had taken since 2018 to rectify the public perception, including holding meetings with stakeholders, publishing information said to be detailed and up-to-date on its website and communicating with candidates about the optional nature of commercial study resources, among others. Several times in its response, NANB emphasized the availability of free preparatory resources on its website.

NANB also reported that exam results have improved significantly since the exam was first introduced, without any changes to the translation protocol. According to NANB data, exam success rates were 98% for University of New Brunswick candidates and 95% for Université de Moncton candidates. In addition, candidates may take the exam, or re-take it, in the official language of their choice.

With regard to alternatives and accommodations, NANB explained that it publishes all information relevant to registration and the entry-to-practice exam on its website, including the possibility of taking the Quebec professional exam in both official languages. NANB explained that it does not set the registration exam fees.

Regarding the results, NANB explained that it does not receive a complete report from NCSBN breaking down annual or global data by language of examination and that the process for obtaining this data is prohibitively labour-intensive, given the workload of NANB staff.

Investigation follow-up

On May 3, 2024, as a follow-up to the responses received on February 29, 2024, the OCOL sent NANB some questions for clarification. On June 3 and August 2, 2024, NANB answered these additional questions.

From March 20 to 25, 2025, an OCOL investigator analyzed the NANB and NCSBN websites to assess the accessibility and linguistic equivalence of the preparatory resources and information for candidates. The results of this analysis are included in the evidence.

Summary of the evidence

On September 18, 2025, the OCOL sent NANB and the complainants a summary of the evidence gathered.

On November 20, 2025, NANB submitted its response, detailing, among other things, the evolution of NCLEX-RN success rates, its communications with candidates regarding commercial resources and addition of a notice clearly stating that external commercial preparatory guides are not recommended, the steps taken to correct the problems identified by the OCOL with its website (such as broken links), and the steps taken with NCSBN and Pearson VUE to ensure the availability of information in both official languages.

Analysis

Overview of obligations and points examined

The OLA applies to the rules and conditions governing admission to professional associations and communication between professional associations, their members and the public. The relevant provisions are as follows:

Professional associations

41.1(1) In this section, “professional association” means an organization of persons that, by an Act of the Legislature, has the power to admit persons to or suspend or expel persons from the practice of a profession or occupation or impose requirements on persons with respect to the practice of a profession or occupation.

41.1(2) When a professional association exercises a power referred to in subsection (1), the professional association

(a) shall provide services and communications related to the exercise of that power in both official languages, and

(b) with respect to its power to impose requirements, shall ensure that a person is able to fulfil those requirements in the official language of his or her choice.

41.1(3) No person shall be placed at a disadvantage by reason of exercising his or her right to choose an official language in which to fulfil requirements imposed by a professional association.

41.1(4) A professional association shall offer its services and communications to members of the public in both official languages.

Associations professionnelles

41.1(1) Dans le présent article, « association professionnelle » s’entend d’une organisation de personnes qui, par loi provinciale, est habilitée à admettre, à suspendre ou à expulser des personnes relativement à l’exercice d’une profession ou à leur imposer des exigences à l’égard de cet exercice.

41.1(2) Lorsqu’elle exerce l’un quelconque des pouvoirs mentionnés au paragraphe (1), l’association professionnelle :

a) dispense dans les deux langues officielles les services et les communications liés à cet exercice;

b) s’agissant de son pouvoir d’imposer des exigences, s’assure que quiconque peut satisfaire à ces exigences dans la langue officielle de son choix.

41.1(3) Nul ne peut être défavorisé du fait qu’il a exercé son droit de choisir la langue officielle dans laquelle il satisfait aux exigences qu’impose l’association professionnelle.

41.1(4) L’association professionnelle offre au public ses services et ses communications dans les deux langues officielles.

Under section 41.1 of the OLA, NANB must offer all services related to admission to the profession in both official languages and ensure that no candidate is placed at a disadvantage by reason of their choice of either English or French in meeting entry requirements.

The analysis focuses on four specific points. First is the quality of the French version of the NCLEX-RN exam and whether it is equivalent to the English version. Second is the availability, accessibility and consistency of French preparatory resources in comparison with those offered in English. Third is the statistical data on success rates, including the information provided by NANB in 2024 and 2025. And fourth is access to information and services from the provider of the French exam, particularly via the NCSBN and Pearson VUE websites.

French version of NCLEX-RN exam

Summary of the evidence and communications

Since the initial complaints in 2016, NANB has confirmed that the quality of the exam's French translation is adequate and of equivalent quality to the English version. This position is consistent throughout its responses in 2016, 2018, 2020 and 2024.

In 2018, the OCOL examined this issue and concluded that the French version was consistent with the English version. In the 2018 report, the OCOL found that "overall, exam questions were well translated." The OCOL therefore concluded that the quality of the translation did not violate the requirements of section 41.1 of the OLA. This conclusion serves as a factual reference in this matter. In its response of February 29, 2024, NANB stressed that it has strived to dispel the perception of inadequate translation by holding meetings with candidates, universities, government representatives and various groups to restore confidence in the exam in both official languages.

In its response to the summary of evidence dated November 20, 2025, NANB did not provide any new information on the linguistic quality of the exam itself. Instead, it reiterated that past concerns regarding the French version of the exam have been addressed through the provision of accurate information to the public.

The OCOL has received no evidence that the translation protocol has changed since 2018. The NCSBN confirmed in 2018 that all official resources, including the 125-question practice exam, are available in French and English. No subsequent communication has contradicted this statement.

Analysis and conclusion

The evidence confirms that the translation was subjected to an in-depth evaluation in 2018. There has been no indication that the French version of the NCLEX-RN was of lesser quality than the English version in 2019 or beyond. The current complaints provide no new evidence to challenge this conclusion. Regarding this first point, the evidence does not indicate that Francophone

candidates are at a disadvantage due to the quality of the French version of the exam. The OCOL therefore finds that the complaints are **unfounded** in this respect.

Availability of preparatory resources in French

Summary of the evidence and communications

Since 2016, NANB has stated that it recommends only the preparatory resources it deems essential and maintains that these resources are all available in French and English. In its response of November 25, 2016, it identified the test plan as an essential resource, confirmed that it does not endorse any commercial resources and described various support measures, including communications for candidates and workshops and coaching for those who fail on their first attempt.

In 2018, NANB reiterated that it does not control commercial study resources and does not recommend any such products. It specified that the resources it deems necessary are available in French. NANB confirmed that documents prepared by NCSBN, including the 125-question practice exam introduced in July 2018, exist in both official languages.

In its response of December 14, 2020, NANB reaffirmed that all the resources it recommends are offered in both official languages, noting that it obtained the translated version of a commercial guide in 2020 but subsequently withdrew it due to lack of use.

In its response of February 29, 2024, NANB insisted that commercial resources were neither necessary nor advisable and that they may, in some cases, hinder preparation. NANB systematically directs candidates towards the free resources available on its website, including the test plan, candidate bulletin, practice exam, tutorial, bilingual guides and documents produced by NANB.

In its response of June 3, 2024, NANB provided a sample letter listing seven official resources. This letter did not, however, mention that commercial resources are not recommended, contrary to what NANB has indicated to the OCOL in its official communications.

In its response of November 20, 2025, NANB stated that it had added an explicit statement on the registration page to the effect that it does not recommend any external commercial guides.

Analysis and conclusion

The preparatory resources deemed essential by NANB are available in French. However, communications intended for candidates do not make it clear that commercial resources are neither necessary nor recommended. This lack of specificity may contribute to ongoing confusion for persons preparing in French. Although basic resources are available in both official languages, the requirements for equivalent information and communications under section 41.1 of the OLA were not fully met. In this regard, the complaints are **founded**.

Recommendation No. 1:

The Office of the Commissioner recommends that the association maintain and publish a single, up-to-date and easily accessible list of all the preparatory resources it recommends, clearly specifying that they are available in both French and English.

Recommendation No. 2:

The Office of the Commissioner recommends that the association explicitly state in both official languages, in all its documents and communications intended for candidates, that commercial resources are neither necessary nor recommended and that the free official resources are deemed sufficient.

Recommendation No. 3:

The Office of the Commissioner recommends that the association periodically evaluate, with the help of universities and candidates, the usefulness and clarity of the French preparatory resources it recommends and that it make any necessary corrections.

Success rate statistics and lack of data breakdown by examination language

Summary of the evidence and communications

Since 2020, NANB has maintained that there is no significant gap in the success rates of graduates from Francophone and Anglophone universities in New Brunswick. To support its position in the investigation, NANB submitted a table, a file containing additional information, and updated statistical data.

According to this information, success rates have stabilized since the adoption of the NCLEX-RN. NANB reported recent success rates of 98% for candidates from the University of New Brunswick and 95% for those from the Université de Moncton. It pointed out that the gap observed during the transition to the NCLEX-RN, particularly in 2015, is no longer reflected in the current data.

The evidence also shows that the statistics submitted do not contain any information on the language chosen for writing the exam. It is therefore impossible to identify any potential impact of chosen language on NCLEX-RN exam success rates based on the data received.

NANB indicated that success appears to be more closely correlated with prior academic performance. However, the fact that candidates can switch languages for each attempt makes any linguistic analysis impossible using the available data. These limitations are reflected in NANB's communications and in the data themselves, which do not include a field indicating the examination language.

Analysis and conclusion

The reported statistics show comparable success rates between Francophone and Anglophone educational establishments and no systemic gaps between these groups. However, the data does not allow us to assess the impact of chosen language on success, since examination language is not included in the statistics. It therefore remains impossible to confirm or rule out, based solely on the statistical results, the existence of a disadvantage for those choosing to take the exam in French.

Recommendation No. 4:

The Office of the Commissioner recommends that the association work with NCSBN to collect data on New Brunswick candidates that are broken down by the language in which the NCLEX-RN is written and by exam results.

Recommendation No. 5:

The Office of the Commissioner recommends that the association analyze this data annually to promptly detect any gaps in success rates that may be associated with the choice of official language and, if necessary, implement targeted corrective measures.

Recommendation No. 6:

The Office of the Commissioner recommends that the association share with training programs, in both official languages, a summary of these analyses, including any relevant trends observed, to help ensure preparatory materials are equivalent in French and English.

Access to website and communications with French exam provider

Summary of the evidence and communications

Between March 20 and 25, 2025, the OCOL reviewed the NANB and NCSBN web pages related to the NCLEX-RN.

The OCOL's analysis revealed that:

- the NANB website was fully available in both French and English, with an easily accessible button enabling users to switch languages;
- several French URLs had been recently modified to better reflect the French language;
- some links to NCSBN resources, such as the student guide, were broken in both French and English;
- several links in the Test Plan and Candidate Bulletin led to pages in English only, with no apparent option to switch to French;

- to access the French versions of certain NCSBN or Pearson VUE resources, candidates needed to first navigate an interface entirely in English, sometimes accompanied by instructions in French on the NANB website on how to proceed;
- certain registration procedures, in particular via www.nclex.com/register.page, required the selection of English-only checkboxes before an interface for selecting French could be accessed;
- the toll-free number listed in NANB’s frequently asked questions led to an English-only message service, while service in French was provided via a second number, which was not listed;
- it was not established whether the email address nclexquestions@pearson.com would accept and process requests in French.

These observations show that, although the primary NCSBN documents exist in French and their linguistic quality is deemed adequate, access to these resources often requires additional steps for Francophone candidates.

In its response of November 20, 2025, NANB acknowledged that the summary of the evidence highlighted a need for improvements to its website. It stated that it was in the process of correcting the broken links on its website and was in ongoing communication with NCSBN to remedy the issues identified.

Analysis and conclusion

The evidence confirms that essential NCSBN documents are available in French but that Francophone candidates must frequently navigate English interfaces and web pages to access them. Persons whose official language is English do not need to go through these same extra steps before accessing essential documents. In addition, language barriers still exist for certain functions, such as online registration and telephone communications. Despite the steps taken by NANB with the provider, substantive equality of access to resources and services in French is not uniformly ensured.

Recommendation No. 7:

The Office of the Commissioner recommends that the association regularly audit its French “Examen d’admission” web page to ensure that all hyperlinks to NCSBN and Pearson VUE resources are functional and lead to content accessible in French.

Recommendation No. 8:

The Office of the Commissioner recommends that the association formally request that NCSBN and Pearson VUE set up a navigation path for Francophone candidates, allowing them to access essential information in French without having to navigate unilingual English screens or notices.

Recommendation No. 9:

The Office of the Commissioner recommends that the association correct and update any French contact information, including telephone numbers and email addresses, in its frequently asked questions and information sheets so that service or linguistic support can be obtained in French for any questions related to registration or the exam.

Recommendation No. 10:

The Office of the Commissioner recommends that the association establish an internal mechanism for candidates to quickly report any problems regarding access to providers' websites in French and that it systematically follow up with NCSBN and Pearson VUE, documenting all steps and corrective measures taken.

Conclusion and Recommendations

Through its investigation, the OCOL determined, for the reasons set out in this report, that the complaints are **partially founded** and that NANB partially failed to meet its obligations under the OLA.

Having established that the complaints are partially founded, the Commissioner makes the following recommendations:

1. **THAT** the association maintain and publish a single, up-to-date and easily accessible list of all the preparatory resources it recommends, clearly specifying that they are available in both French and English;
2. **THAT** the association explicitly state in both official languages, in all its documents and communications intended for candidates, that commercial resources are neither necessary nor recommended and that the free official resources are deemed sufficient;
3. **THAT** the association periodically evaluate, with the help of universities and candidates, the usefulness and clarity of the French preparatory resources it recommends and that it make any necessary corrections;
4. **THAT** the association work with NCSBN to collect data on New Brunswick candidates that are broken down by the language in which the NCLEX-RN is written and by exam results;
5. **THAT** the association analyze this data annually to promptly detect any gaps in success rates that may be associated with the choice of official language and, if necessary, implement targeted corrective measures;
6. **THAT** the association share with training programs, in both official languages, a summary of these analyses, including any relevant trends observed, to help ensure preparatory materials are equivalent in French and English;
7. **THAT** the association regularly audit its French “Examen d’admission” web page to ensure that all hyperlinks to

NCSBN and Pearson VUE resources are functional and lead to content accessible in French;

- 8. THAT the association formally request that NCSBN and Pearson VUE set up a navigation path for Francophone candidates, allowing them to access essential information in French without having to navigate unilingual English screens or notices;**
- 9. THAT the association correct and update any French contact information, including telephone numbers and email addresses, in its frequently asked questions and information sheets so that service or linguistic support can be obtained in French for any questions related to registration or the exam;**
- 10. THAT the association establish an internal mechanism for candidates to quickly report any problems regarding access to providers' websites in French and that it systematically follow up with NCSBN and Pearson VUE, documenting all steps and corrective measures taken.**

The OCOL would like to thank NANB for its cooperation throughout this investigation and for providing its responses. Since the resumption of this investigation, the association has demonstrated its commitment to respecting the language rights of its members and of members of the public in both official linguistic communities. The above recommendations have been formulated with this in mind.

In accordance with subsection 43(16) of the OLA, we submit this report to the Chief Executive Officer and Registrar of the Nurses Association of New Brunswick, the complainants and the Premier. We also submit it to the Clerk of the Executive Council and to the Executive Director of the Secretariat of Official Languages.

Pursuant to subsection 43(18) of the OLA, if the complainants are dissatisfied with the conclusions presented following this investigation, they may apply to the Court of King's Bench of New Brunswick for a remedy.

Shirley C. MacLean, K.C.
Commissioner of Official Languages for New Brunswick
Dated at the City of Fredericton,
Province of New Brunswick,
This 3rd day of March 2026

APPENDIX 1

Timeline

Date	Event / Document
July 2, 2016	First complaints are filed with the Commissioner regarding the NCLEX-RN exam.
May 9, 2018	Investigation report by Commissioner d'Entremont is published.
May 28, 2018	The Société de l'Acadie du Nouveau-Brunswick (SANB) and the Fédération des Étudiants et Étudiantes du Centre Universitaire de Moncton (FÉÉCUM) Inc. bring action against NANB regarding the NCLEX-RN exam.
August 3, 2018	NANB applies to the Court of Queen's Bench to have the OCOL's report and recommendations overturned.
January 14, 2019	NANB withdraws its application for judicial review.
July 31, 2019	New complaints are filed with the Commissioner regarding the NCLEX-RN exam.
October 31, 2019	Acting Commissioner Carrier informs the complainants that the complaints will not be addressed due to the action of SANB and FÉÉCUM.
January 23, 2020	The Court of Queen's Bench dismisses the action brought by SANB and FÉÉCUM.
March 9, 2020	The complainants ask Commissioner MacLean to reconsider Acting Commissioner Carrier's decision not to address the complaints.
October 15, 2020	Commissioner MacLean informs the complainants, NANB and the Premier that the investigation will move forward. She sends investigation questions to NANB.
December 14, 2020	A preliminary response is received from NANB (via NANB's counsel) to the investigation questions of October 15, 2020.
April 29, 2021	The Court of Appeal of New Brunswick grants the appeal of SANB and FÉÉCUM, overturns the decision on the application and refers the matter back to the Court of Queen's Bench.
September 10, 2021	NANB formally objects to the investigation on the grounds that the complaints are vexatious and constitute an abuse of process.
October 15, 2021	The Commissioner issues a decision in response to NANB's objection: she rejects the objection and decides to investigate.
December 21, 2021	NANB files an application for judicial review regarding the investigation.
December 14, 2022	The Court of King's Bench of New Brunswick issues a decision prohibiting the investigation (2022 NBKB 242).
July 13, 2023	The Court of Appeal of New Brunswick grants the appeal, overturns the decision of the Court of King's Bench and restores the Commissioner's power to investigate (2023 NBCA 60).

November 8 and 20, 2023	The Commissioner meets with NANB's Chief Executive Officer (November 8) and the complainants' representatives (November 20).
December 11, 2023	The OCOL sends letters to NANB and the complainants regarding the investigation process (OCOL's first request under 43(13)).
February 29, 2024	NANB sends its response to the investigation questions.
May 3, 2024	The OCOL sends a letter to NANB with follow-up questions (OCOL's second request under 43(13)).
May 8, 2024	NANB sends a response indicating that it will need more time to answer the questions.
June 3, 2024	NANB sends its response.
August 2, 2024	NANB sends an additional response.
September 18, 2025	Summary of the evidence is sent to NANB and the complainants (representative).
November 20, 2025	NANB sends its response.